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HOUSE BILL 1624

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Schual-Berke, Cody, Green, Morrell, Roberts, Appleton, Moeller, Simpson, Williams, Murray, Chase, Dickerson, Darneille, Haigh, Kagi and Santos

Read first time 01/31/2005. Referred to Committee on Health Care.

1 AN ACT Relating to meeting the health needs of children; amending  
2 RCW 28A.305.130 and 28A.150.260; adding a new section to chapter  
3 28A.210 RCW; adding a new chapter to Title 18 RCW; creating new  
4 sections; making an appropriation; providing an expiration date; and  
5 declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that the composition  
8 of today's student population continues to change in relation to the  
9 number, complexity, and acuity of medical and psychiatric problems with  
10 which students come to school daily. The legislature also finds that  
11 due to an emerging lack of access to routine health care for many  
12 children, the role of the school nurse in protecting children's health  
13 and improving their ability to achieve academically continues to grow.  
14 The legislature also finds that student health is fundamental to the  
15 educational process, that access to school nursing services is a vital  
16 component of supporting student academic success, and that removing  
17 health barriers to learning is essential to the successful education of  
18 students.

1           The legislature further finds that in response to the increasingly  
2 diverse needs that challenge school communities today, the nature and  
3 scope of school nursing services required to meet student needs  
4 continues to expand. The legislature recognizes that in addition to  
5 meeting the health care needs of the general student population by  
6 assessing student health status, identifying health problems that have  
7 an impact on learning, delivering emergency care, administering  
8 medications, performing health care procedures, and providing wellness  
9 programs, health counseling, and health education, school nurses also  
10 must meet the health needs of special student populations including,  
11 but not limited to, special education students, students with 504  
12 plans, and students with mental or social concerns that impede  
13 learning.

14           The legislature also finds that due to the growing complexity of  
15 student health needs, the delegation of nursing tasks to unlicensed and  
16 untrained school personnel compromises the health and safety of  
17 students, creates the potential for errors with life-threatening  
18 consequences, and exposes school districts to legal liability. The  
19 legislature acknowledges that the department of health, in its 2001  
20 sunrise review of school health aides, recommended the state regulation  
21 of registered school health aides according to established nursing  
22 practice standards and the state's uniform professional accountability  
23 processes. The legislature declares that the training of registered  
24 school health aides is in the interest of public health and safety.

25           The legislature intends to undertake a more comprehensive  
26 examination of overall student health care needs in the school setting  
27 to determine how school nursing services can be best integrated into  
28 existing efforts to raising student academic achievement.

29           NEW SECTION.   **Sec. 2.** The definitions in this section apply  
30 throughout this chapter unless the context clearly requires otherwise.

31           (1) "Commission" means the nursing care quality assurance  
32 commission created in RCW 18.79.070.

33           (2) "Department" means the department of health.

34           (3) "School health aide" means a person registered under this  
35 chapter who performs health care tasks under training and supervision  
36 of a registered nurse licensed under RCW 18.79.040.

37           (4) "Secretary" means the secretary of health.

1        NEW SECTION.    **Sec. 3.** (1) No certificated or noncertificated  
2 school district employee may practice or represent himself or herself  
3 as a school health aide by use of any title or description of services  
4 without being registered to practice by the department, unless  
5 otherwise exempted by this chapter.

6        (2) Tasks delegated to a school health aide include those nursing  
7 procedures applicable to school districts under RCW 28A.210.260 and  
8 28A.210.280.

9        (3) This section shall not be construed to affect the scope of  
10 nursing procedures applicable to school districts as provided by law.

11       NEW SECTION.    **Sec. 4.** This chapter shall not be construed to  
12 prohibit or restrict:

13        (1) The practice by an individual licensed, certified, or  
14 registered under the laws of this state and performing services within  
15 the authorized scope of practice;

16        (2) The practice by an individual employed by the government of the  
17 United States while engaged in the performance of duties prescribed by  
18 the laws of the United States; or

19        (3) The practice by a person who is a regular student in an  
20 educational program approved by the secretary, and whose performance of  
21 services is pursuant to a regular course of instruction or assignments  
22 from an instructor and under the general supervision of the instructor.

23       NEW SECTION.    **Sec. 5.** In addition to any other authority provided  
24 by law, the secretary has the authority to:

25        (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
26 chapter;

27        (2) Establish all registration, examination, and renewal fees in  
28 accordance with RCW 43.70.250;

29        (3) Establish forms and procedures necessary to administer this  
30 chapter;

31        (4) Register any applicants, and to deny registration to applicants  
32 who do not meet the minimum qualifications, except that proceedings  
33 concerning the denial of registration based upon unprofessional conduct  
34 or impairment shall be governed by the uniform disciplinary act,  
35 chapter 18.130 RCW; and

1 (5) Hire clerical, administrative, investigative, and other staff  
2 as needed to implement this chapter, and hire individuals registered  
3 under this chapter to serve as examiners for any practical  
4 examinations.

5 NEW SECTION. **Sec. 6.** The secretary shall keep an official record  
6 of all proceedings. A part of the record shall consist of a register  
7 of all applicants for registration under this chapter and the results  
8 of each application.

9 NEW SECTION. **Sec. 7.** The secretary shall issue a registration to  
10 any applicant who completes an application that identifies the name and  
11 address of the applicant, the registration being requested, and  
12 information required by the secretary necessary to establish whether  
13 there are grounds for denial of a registration or issuance of a  
14 conditional registration under chapter 18.130 RCW.

15 NEW SECTION. **Sec. 8.** The superintendent of public instruction  
16 shall establish by rule, in consultation with the commission, standards  
17 and procedures for approval of educational and alternative training  
18 programs.

19 NEW SECTION. **Sec. 9.** Applications for registration shall be  
20 submitted on forms provided by the secretary. The secretary may  
21 require any information and documentation that reasonably relates to  
22 the need to determine whether the applicant meets the criteria for  
23 registration provided for in this chapter and chapter 18.130 RCW. Each  
24 applicant shall pay a fee determined by the secretary under RCW  
25 43.70.250. The fee shall accompany the application.

26 NEW SECTION. **Sec. 10.** The secretary shall establish by rule the  
27 procedural requirements and fees for renewal of a registration.  
28 Failure to renew shall invalidate the registration and all privileges  
29 granted by the registration. If a registration has lapsed for a period  
30 longer than three years, the person shall demonstrate competence to the  
31 satisfaction of the secretary by taking continuing education courses,  
32 or meeting other standards determined by the secretary.



1 endowments obtained under section 15 of this act must be deposited into  
2 the account.

3 Expenditures from the account may be used only to increase the  
4 number of certificated educational staff associate school nurses in  
5 class I school districts. School districts with more than one thousand  
6 five hundred students for every school nurse shall receive priority for  
7 these funds. As used in this section, "school nurse" does not include  
8 nurses in the school nurse corps.

9 Only the superintendent of public instruction or the  
10 superintendent's designee may authorize expenditures from the account.  
11 The account is subject to allotment procedures under chapter 43.88 RCW,  
12 but an appropriation is not required for expenditures.

13 NEW SECTION. **Sec. 15.** The office of the superintendent of public  
14 instruction may receive gifts, grants, or endowments from public or  
15 private sources that are made from time to time, in trust or otherwise,  
16 for the use and benefit of the purposes of section 14 of this act and  
17 spend gifts, grants, or endowments or income from the public or private  
18 sources to support the purpose in section 14 of this act, unless the  
19 receipt of the gifts, grants, or endowments violates RCW 42.17.710.

20 **Sec. 16.** RCW 28A.305.130 and 2002 c 205 s 3 are each amended to  
21 read as follows:

22 In addition to any other powers and duties as provided by law, the  
23 state board of education shall:

24 (1) Approve or disapprove the program of courses leading to  
25 teacher, school administrator, and school specialized personnel  
26 certification offered by all institutions of higher education within  
27 the state which may be accredited and whose graduates may become  
28 entitled to receive such certification. Program approval under this  
29 section shall require that the certification program include a  
30 requirement for the successful completion of a course in emergency  
31 first-aid and cardiopulmonary resuscitation training.

32 (2) Conduct every five years a review of the program approval  
33 standards, including the minimum standards for teachers,  
34 administrators, and educational staff associates, to reflect research  
35 findings and assure continued improvement of preparation programs for  
36 teachers, administrators, and educational staff associates.

1 (3) Investigate the character of the work required to be performed  
2 as a condition of entrance to and graduation from any institution of  
3 higher education in this state relative to such certification as  
4 provided for in subsection (1) of this section, and prepare a list of  
5 accredited institutions of higher education of this and other states  
6 whose graduates may be awarded such certificates.

7 (4)(a) The state board of education shall adopt rules to allow a  
8 teacher certification candidate to fulfill, in part, teacher  
9 preparation program requirements through work experience as a  
10 classified teacher's aide in a public school or private school meeting  
11 the requirements of RCW 28A.195.010. The rules shall include, but are  
12 not limited to, limitations based upon the recency of the teacher  
13 preparation candidate's teacher aide work experience, and limitations  
14 based on the amount of work experience that may apply toward teacher  
15 preparation program requirements under this chapter.

16 (b) The state board of education shall require that at the time of  
17 the individual's enrollment in a teacher preparation program, the  
18 supervising teacher and the building principal shall jointly provide to  
19 the teacher preparation program of the higher education institution at  
20 which the teacher candidate is enrolled, a written assessment of the  
21 performance of the teacher candidate. The assessment shall contain  
22 such information as determined by the state board of education and  
23 shall include: Evidence that at least fifty percent of the candidate's  
24 work as a classified teacher's aide was involved in instructional  
25 activities with children under the supervision of a certificated  
26 teacher and that the candidate worked a minimum of six hundred thirty  
27 hours for one school year; the type of work performed by the candidate;  
28 and a recommendation of whether the candidate's work experience as a  
29 classified teacher's aide should be substituted for teacher preparation  
30 program requirements. In compliance with such rules as may be  
31 established by the state board of education under this section, the  
32 teacher preparation programs of the higher education institution where  
33 the candidate is enrolled shall make the final determination as to what  
34 teacher preparation program requirements may be fulfilled by teacher  
35 aide work experience.

36 (5) Supervise the issuance of such certificates as provided for in  
37 subsection (1) of this section and specify the types and kinds of

1 certificates necessary for the several departments of the common  
2 schools by rule or regulation in accordance with RCW 28A.410.010.

3 (6) Accredited, subject to such accreditation standards and  
4 procedures as may be established by the state board of education, all  
5 schools that apply for accreditation, and approve, subject to the  
6 provisions of RCW 28A.195.010, private schools carrying out a program  
7 for any or all of the grades kindergarten through twelve: PROVIDED,  
8 That no private school may be approved that operates a kindergarten  
9 program only: PROVIDED FURTHER, That no public or private schools  
10 shall be placed upon the list of accredited schools so long as secret  
11 societies are knowingly allowed to exist among its students by school  
12 officials: PROVIDED FURTHER, That the state board may elect to require  
13 all or certain classifications of the public schools to conduct and  
14 participate in such preaccreditation examination and evaluation  
15 processes as may now or hereafter be established by the board.

16 (7) Make rules and regulations governing the establishment in any  
17 existing nonhigh school district of any secondary program or any new  
18 grades in grades nine through twelve. Before any such program or any  
19 new grades are established the district must obtain prior approval of  
20 the state board.

21 (8) Prepare such outline of study for the common schools as the  
22 board shall deem necessary, and prescribe such rules for the general  
23 government of the common schools, as shall seek to secure regularity of  
24 attendance, prevent truancy, secure efficiency, and promote the true  
25 interest of the common schools.

26 (9) Continuously reevaluate courses and adopt and enforce  
27 regulations within the common schools so as to meet the educational  
28 needs of students and articulate with the institutions of higher  
29 education and unify the work of the public school system.

30 (10) Carry out board powers and duties relating to the organization  
31 and reorganization of school districts under chapter 28A.315 RCW  
32 (~~((28A.315.010 through 28A.315.680 and 28A.315.900))~~).

33 (11) Hear and decide appeals as otherwise provided by law.

34 The state board of education is given the authority to promulgate  
35 information and rules dealing with the prevention of child abuse for  
36 purposes of curriculum use in the common schools.





1 additional instructional staff be used to increase the ratio of such  
2 staff to students, nothing in this section shall require districts to  
3 reduce the number of administrative staff below existing levels.

4 (b) The formula adopted by the legislature shall reflect the  
5 following ratios at a minimum: (i) Forty-nine certificated  
6 instructional staff to one thousand annual average full time equivalent  
7 students enrolled in grades kindergarten through three; (ii) forty-six  
8 certificated instructional staff to one thousand annual average full  
9 time equivalent students in grades four through twelve; (iii) four  
10 certificated administrative staff to one thousand annual average full  
11 time equivalent students in grades kindergarten through twelve; ~~((and))~~  
12 (iv) sixteen and sixty-seven one-hundredths classified personnel to one  
13 thousand annual average full time equivalent students enrolled in  
14 grades kindergarten through twelve; and (v) one and thirty-three one-  
15 hundredths registered school nurse personnel to one thousand annual  
16 average full-time equivalent students enrolled in grades kindergarten  
17 through twelve.

18 (c) In the event the legislature rejects the distribution formula  
19 recommended by the governor, without adopting a new distribution  
20 formula, the distribution formula for the previous school year shall  
21 remain in effect: PROVIDED, That the distribution formula developed  
22 pursuant to this section shall be for state apportionment and  
23 equalization purposes only and shall not be construed as mandating  
24 specific operational functions of local school districts other than  
25 those program requirements identified in RCW 28A.150.220 and  
26 28A.150.100. The enrollment of any district shall be the annual  
27 average number of full time equivalent students and part time students  
28 as provided in RCW 28A.150.350, enrolled on the first school day of  
29 each month and shall exclude full time equivalent students with  
30 disabilities recognized for the purposes of allocation of state funds  
31 for programs under RCW 28A.155.010 through 28A.155.100. The definition  
32 of full time equivalent student shall be determined by rules of the  
33 superintendent of public instruction: PROVIDED, That the definition  
34 shall be included as part of the superintendent's biennial budget  
35 request: PROVIDED, FURTHER, That any revision of the present  
36 definition shall not take effect until approved by the house  
37 appropriations committee and the senate ways and means committee:

1 PROVIDED, FURTHER, That the office of financial management shall make  
2 a monthly review of the superintendent's reported full time equivalent  
3 students in the common schools in conjunction with RCW 43.62.050.

4 (3)(a) Certificated instructional staff shall include those persons  
5 employed by a school district who are nonsupervisory employees within  
6 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,  
7 people of unusual competence but without certification may teach  
8 students so long as a certificated person exercises general  
9 supervision: PROVIDED, FURTHER, That the hiring of such classified  
10 people shall not occur during a labor dispute and such classified  
11 people shall not be hired to replace certificated employees during a  
12 labor dispute.

13 (b) Certificated administrative staff shall include all those  
14 persons who are chief executive officers, chief administrative  
15 officers, confidential employees, supervisors, principals, or assistant  
16 principals within the meaning of RCW 41.59.020(4).

17 NEW SECTION. **Sec. 19.** Sections 2 through 12 of this act  
18 constitute a new chapter in Title 18 RCW.

19 NEW SECTION. **Sec. 20.** The sum of forty-five thousand dollars, or  
20 as much thereof as may be necessary, is appropriated for the fiscal  
21 year ending June 30, 2006, from the general fund to the office of the  
22 superintendent of public instruction for the purpose of funding a  
23 position to pursue grants and obtain funds for the school nurse  
24 account.

25 NEW SECTION. **Sec. 21.** If any provision of this act or its  
26 application to any person or circumstance is held invalid, the  
27 remainder of the act or the application of the provision to other  
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 22.** This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of the  
31 state government and its existing public institutions, and takes effect  
32 immediately.

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